

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

DONNIE RAY JOHNSON, JR.,	:	
	:	
Petitioner	:	
	:	
VS.	:	NO. 5:06-CV-296 (HL)
	:	
UNITED STATES OF AMERICA,	:	NO. 5:02-CR-22 (HL)
	:	
Respondent	:	<b><u>ORDER</u></b>

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Before the Court is petitioner **DONNIE RAY JOHNSON'S** notice of appeal (Tab # 43) from the Court's June 14, 2007 order, which adopted United States Magistrate Judge G. Mallon Faircloth's recommendation that petitioner's 28 U.S.C. § 2255 motion be denied. The Eleventh Circuit Court of Appeals has mandated that the Court construe petitioner's notice of appeal as an application for a certificate of appealability ("COA") pursuant to 28 U.S.C. § 2253(c). *Edwards v. United States*, 114 F.3d 1083 (11th Cir. 1997). Under section 2253(c), a COA may issue only if the applicant has made a substantial showing of the denial of a constitutional right. For the reasons stated in Magistrate Judge Faircloth's recommendation and this Court's order accepting the same, the Court finds that petitioner has not made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). Accordingly, the application for a COA is **DENIED**.

**SO ORDERED**, this 2<sup>nd</sup> day of July, 2007.

s/ **Hugh Lawson**  
HUGH LAWSON  
UNITED STATES DISTRICT JUDGE